

May 10, 2022

Council Chambers
Vigo County Annex
Terre Haute, Indiana

Present: Chris Switzer, Mike Morris and Brendan Kearns
9:00 a.m. the Board held a rezoning hearing.

UZO #5-22: Parcel No. 84-07-21-276-001.000-008. This has been withdrawn by the petitioner.

UZO #6-22: Parcel No. 84-09-26-202-013.000-003. This property is located approximately 1,119 feet south of the intersection of E. Eaton Drive and Crimson Court or immediately south of 8340 Crimson Court in Shiloh Park West Sub Phase III. It is Lot #13. The proposed lot will possibly be used as an addition, or maybe to build or sell the proposed lot. Currently zoned A-1 Agriculture and Rural Residential District with the proposed zoning to be R-S Single-Family Residential Suburban District. Surrounding uses are either residential or agricultural. The area consists of single family homes in subdivisions and farm ground. Property owners and petitioners are Crowder Family Trust, Michael and Jacqueline Crowder. Property owners have a home to the north zoned R-S and wanted to add an addition to the south of the home but realized the home would go over the lot line and would span multiple zonings. At the time Phase III was platted, it should have been zoned residential as per Section 801(d) of the UZO. Failing this action, the current property owner is faced with the inability to utilize the adjoining lot due to incompatibility across the larger parcel. This rezoning will correct the issue and allow for the home to be expanded.

Staff offered a favorable recommendation. It received a favorable recommendation from the Area Plan Commission. There were no remonstrators. Mike Morris made a motion to approve the zoning for the property. Brendan Kearns seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #7-22: Parcel No. 84-12-34-277-006.000-016. This property is located on the east side S. State Road 63 approximately 619 feet north of the intersection of S. State Road 63 and W. Gobin Drive with an address of 16354 S. State Road 63, Farmersburg, Indiana. The proposed use is for farming. Currently zoned R-S Single Family Residential District with the proposed zoning to be A-1 Agricultural District. Surrounding uses are all mixed. The character of the area is primarily rural residential. Property owners and petitioners are Gavin Mordecai Jones and Brittany Ann Jones.

Petitioners seek to rezone the property for a family owned agri-business. Businesses in support of locally or regionally grown produce are permitted in A-1. Notices were sent to adjacent property owners within ½ mile of the address which satisfies Section 1(N) of the UZO. Staff offered a favorable recommendation so long as no property owners within a half mile of the property objected. A letter of remonstrance was received from Bill and Linda Pearman responding to the notice mailed out. Their home is a quarter of a mile north of the northernmost property line and one-third mile north of where most activities will be. The nearest ag operation is 420 feet, the nearest ag zoning is approximately 535 feet. Their reason for objecting was that they have a lot of health issues and would like to see the property left as residential. Area Plan Commission forwarded a favorable recommendation. Staff offered a favorable recommendation. After a brief discussion with the petitioners, Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #8-22: Parcel No. 84-09-35-177-001.000-004. This property is located approximately 1,334 feet south of E. Dallas Drive with an address of 9022 Bono Road, Terre Haute, Indiana. The proposed use is for mini warehouses for storage. Currently zoned R-S Single Family Residential Suburban District with the proposed zoning to be C-3 Regional Commercial District. Surrounding uses are primarily suburban residential. To the

north, south, west and east are all residential and to the west and east are also agricultural. Property owner and petitioner is William Drew Alden.

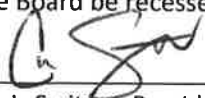
An ILP was issued in 1993 for commercial warehouses before the UZO took effect. The property currently enjoys a legal-nonconforming status. This petition will bring the property into conformance and allow the property owner to add additional units. Staff offered a favorable recommendation with two conditions: (1) variance approval from the Vigo County BZA for relief from hard surfacing; and (2) approval of a landscape and buffer plan. One letter of remonstrance was received from Bob the Concerned Neighbor. Mr. Bayler replied via email which alleviated his concerns. Area Plan offered a favorable recommendation. After a brief discussion with Mr. Alden, Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.

UZO #9-22: Parcel No. 84-02-36-378-017.000-013 & 016. This property is located approximately 155 feet west of the intersection of E. Haythorne Avenue and N. Fruitridge Street. One parcel has no 911 address with the other being 3622 E. Haythorne Avenue, Terre Haute, Indiana. The proposed use is for warehouse storage. Currently zoned R-1 Single Family Residential District with the proposed zoning to be M-1 Light Industrial District. Property owner and petitioner is Terre Haute Wilbert Burial Vault Co., Inc. The recommended use of this location is suburban residential. Development priorities are low. Surrounding uses are mixed, residential to the north, west and east, the south has a multi-family as well as an M-2 Planned Development. Petitioner requests to rezone the properties immediately to the west of the existing business for continued use with the business. The original M-1 for the business location is an original zoning as are the R-1 for the petitioned properties. The business owner states that the business has been in operation and utilizing the adjoining R-1 property since 1977. The tax records concur. The current owner bought the property in 2015 from Forsythe Brothers Concrete Products. Staff believes that the petitioned properties were not zoned accurately when the Ordinance was adopted. Along with the business location, the petitioned properties to the west should have been zoned M-1. The properties to the west where there used to be a single family home has now been removed and the existing properties do act as an adequate buffering from the adjoining residential uses. The site plan provided does not include parking. Hard surface parking is required in an M-1 District. BZA relief from the hard surfacing will be needed. Petitioner may also request from the County Engineer for a storm water and drainage plan. Staff offered a favorable recommendation with the approval of storm water and drainage plan as well as hard surfacing relief from the BZA to remain dirt and rock. There was one letter of remonstrance from Mrs. Smith, a neighboring property owner, who said she had no objections to this and that a warehouse would look better than weeds. After a brief discussion with the petitioner, Brendan Kearns made a motion to approve the zoning for the property. Mike Morris seconded the motion. Upon a voice vote of 3-0, the motion unanimously passed.


Next was a Resolution to General Ordinance #3-22. This is an amendment to the Unified Zoning Ordinance of Vigo County requested by Commissioner Brendan Kearns and authorized by Area Planning staff. The amendment contains one main change directed across the Residential sections of the UZO. That change eliminates the minimum square footage requirement for single family homes. Single family home minimum square footage in all residential districts is reduced to zero. Construction standards for tiny homes and habitable buildings still apply as outlined in 675 IC 22-12-1-4-4.4 as amended (Class I structures) or IC 22-12-1-5 ISB as amended (Class II structures). Any home being 400 square feet in area or less shall meet or exceed construction standards as outlined in IRS Appendix Q and/or E. Staff has no issues with the current process of approval for small homes. Changing the County's ordinance would cause a discontinuity in how small homes are processed within the City versus County. Staff has always been a proponent of coalescing where possible processes, procedures and requirements across the two jurisdictions. Staff doesn't see that there is a current need for the ordinance change. However, being progressive on issues of housing can make Vigo County more attractive to potential investors and residents. This amendment may aid in diversity of housing which is also recommended. Staff offered a favorable recommendation. Area Plan Commission forwarded

with no recommendation. Mike Morris made a motion not to adopt this amendment because these things could be handled with variances. There was a lengthy discussion. Commissioner Kearns stated that he realized this was not going to move forward but he thought it important to keep the momentum going to figure out how to accommodate people as they begin to look at building smaller structures. There was additional discussion about ways to come up with an agreeable amendment. Chris Switzer seconded the motion made by Mike Morris not to adopt this amendment. Voting was as follows: Chris Switzer – aye; Mike Morris – aye; Brendan Kearns – nay. By a 2-1 vote, motion was approved.

There being no further business, it is now ordered the Board be recessed.


Chris Switzer, President


Mike Morris, Vice President


Brendan Kearns, Secretary

Attest:


James W. Bramble, Auditor